

SOMMER BARNARD ACKERSON
ATTORNEYS, PC

April 27, 2004



Via Hand Delivery

ENTERED
Office of Proceedings

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

APR 27 2004

Part of
Public Record

210691

Re: Docket No. AB-290 (Sub-No. 168X),
Norfolk and Western Railway Company – Abandonment Exemption –
Between Kokomo and Rochester in Howard, Miami, and Fulton Counties, IN

Dear Secretary Williams:

On behalf of Counsel for William C. Friend, Steven Furnivall and Linda Schanlaub, attached please find one duly-executed original *plus* eleven copies of the Affidavit of Tedd G. Armstrong in Support of Petition for Reconsideration Filed by William C. Friend, et al. Pursuant to the cover letter accompanying the original Petition for Reconsideration of William C. Friend, Steven Furnivall and Linda Schanlaub filed with the Surface Transportation Board on April 19, 2004, this original Affidavit is to *replace* the copied Affidavit filed thereto. Kindly time-stamp and file this document accordingly, and return the time-stamped 'File Copy' to the undersigned by hand.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda Alston".

Linda Alston
Secretary for the Firm

/la

Attachment(s)

cc: William C. Friend (With Attachment)
Steven Furnivall (With Attachment)
Ken Spangler (With Attachment)
Linda Schanlaub (With Attachment)

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BEFORE THE SURFACE TRANSPORTATION BOARD

STB Docket No. AB-290 (Sub-No. 168X)

NORFOLK AND WESTERN RAILWAY COMPANY-
ABANDONMENT EXEMPTION- BETWEEN KOKOMO AND ROCHESTER
IN HOWARD, MIAMI, AND FULTON COUNTIES, IN

AFFIDAVIT OF TEDD. G. ARMSTRONG IN SUPPORT
OF PETITION FOR RECONSIDERATION FILED BY WILLIAM C. FRIEND, ET AL.

STATE OF INDIANA)
) ss.
COUNTY OF FULTON)

ENTERED
Office of Proceedings

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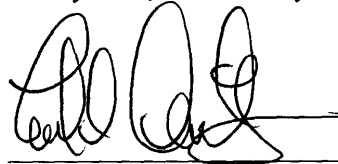
Part of
Public Record

I, Tedd G. Armstrong, being first duly sworn on oath, state as follows:

1. I am over the age of 21, understand the taking of an oath, and am competent to give this affidavit. The matters set forth in this affidavit are based upon my personal knowledge.
2. I am the owner of property in Miami County, Indiana, which is located at 2767 West 1350 South, Kokomo, Indiana.
3. My property is adjacent to the former Norfolk and Western Railroad line – which I have always referred to as the “Norfolk Southern” line – that extends from just north of Kokomo, Indiana, through Peru, and continues northward to Rochester, Indiana. My property is located just north of the point where Miami and Howard Counties meet, at the southern part of this Norfolk Southern segment.

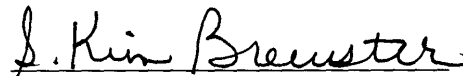
5. I am familiar with the location of the end-point where the Indiana Trails Fund, Inc., has been asserting rights to operate a recreational trail. That point is located slightly south of ~~Casbitt~~^{CASSVILLE}_{TA}, Indiana, and the tracks have been removed from that point heading northward.
6. From ~~Casbitt~~^{CASSVILLE}_{TA}, Indiana, and heading southward to Kokomo, there appears to have been no railroad activity or use of the railroad tracks for at least eight years or longer, in that I never see any rail car activity and the tracks still remaining in that location appear to be rusted and neglected.
7. In addition, in the north part of Kokomo, where the tracks are crossed by a street, Apperson Way, the tracks have been completely paved over, thereby burying any tracks that may (or may not) remain.

IN WITNESS HEREOF, I have hereunto set my hand, this 19th day of April,
2004.



Tedd G. Armstrong

Sworn to and subscribed before me this 19th day of April, 2004.


Notary Public for the State of Indiana

S. KIM BREWSTER
Notary Public, State of Indiana
County of Howard
My Commission Expires Aug 30, 2007